

## **Mears, Mary**

---

**From:** Modigliani, Justine  
**Sent:** Friday, April 12, 2013 3:34 PM  
**To:** LaPosta, Dore; Durack, Patrick; Mears, Mary; Kluesner, Dave  
**Cc:** McKenna, Douglas  
**Subject:** Le Havre Co-Op

I'm just resending this with a revised subject. Sorry about that.

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**From:** Modigliani, Justine  
**Sent:** Friday, April 12, 2013 2:59 PM  
**To:** LaPosta, Dore; Durack, Patrick; Mears, Mary; Kluesner, Dave  
**Cc:** McKenna, Douglas  
**Subject:**

Hi Guys,

Yesterday afternoon, representatives of a Whitestone Queens Facility told Murray Lantner, while he was conducting a stormwater inspection, that they had contacted their congressman and have lodged a harassment complaint with DEC Albany and possibly EPA Headquarters. Here is some background:

On Feb 28th-March 1 a WCB staff member witnessed the clearing of wetlands on land owned by his Co-Op Community, Le Havre Owners, in Whitestone, NY. A previous NYSDEC Order against the Co-Op established the area as wetlands and wetlands buffer.

The staff member notified his Branch Chief, Doug McKenna. Doug contacted Region 2 Wetlands (Dan Montella) and NYSDEC wetlands.

NYSDEC wetlands indicated that the Army Corps of Engineers cleared the wetlands vegetation as part of a post-Hurricane Sandy debris clean-up effort, and that the Corps will reestablish the wetlands and wetlands buffer vegetation. The vegetation has yet to be reestablished. The photos below show the area before and after clearing.

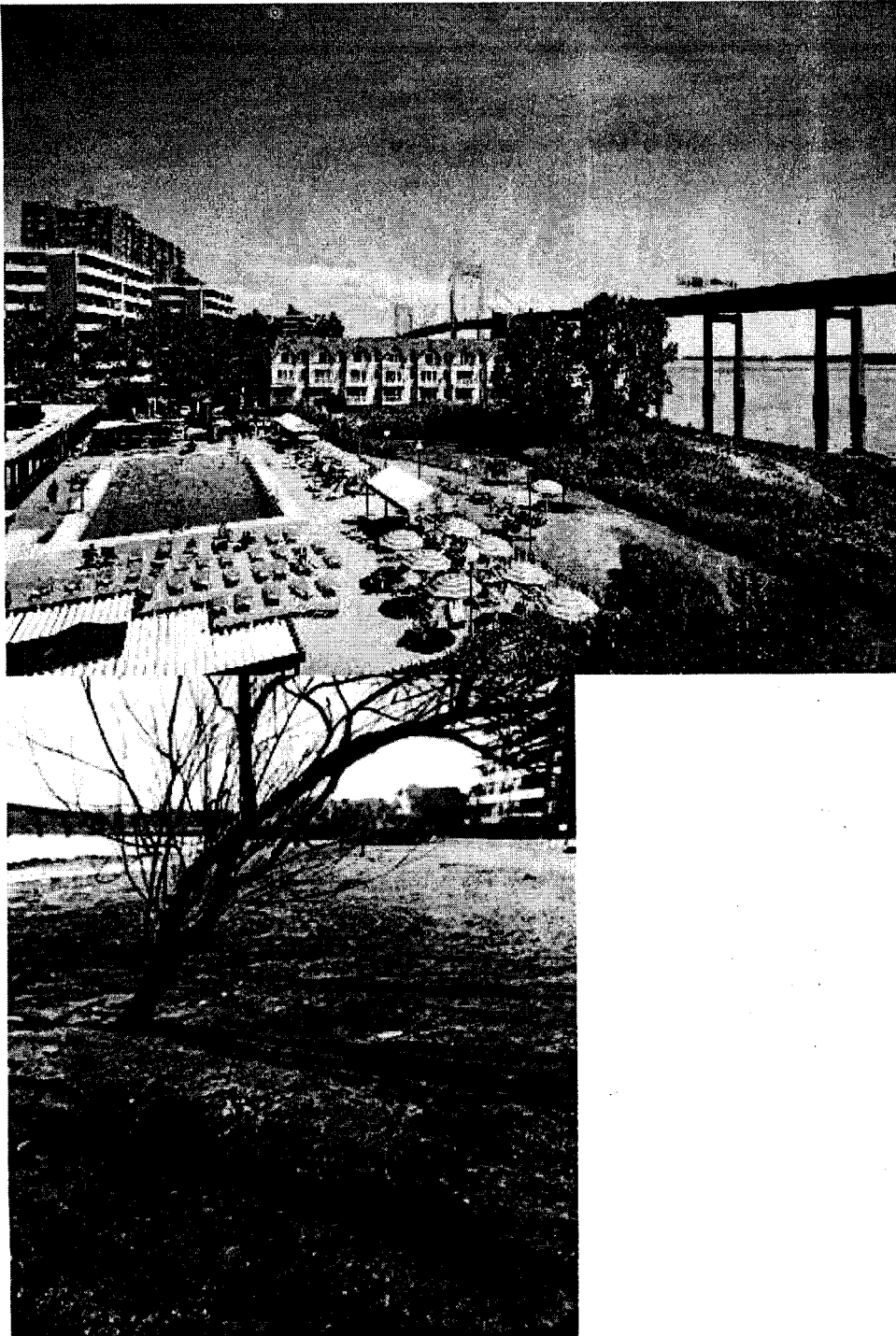
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At this point, it does not appear to be a stormwater issue, but we will continue to communicate with wetlands to try to get his issue resolved.

Have a great weekend, and if you have any questions about this, please give me a call.

Justine Modigliani

7-4268



## Mears, Mary

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**To:** LaPosta, Dore; Durack, Patrick; Mears, Mary; Kluesner, Dave  
**Cc:** McKenna, Douglas  
**Subject:** FW: want to take a look before i send this along to pat dore and mary?

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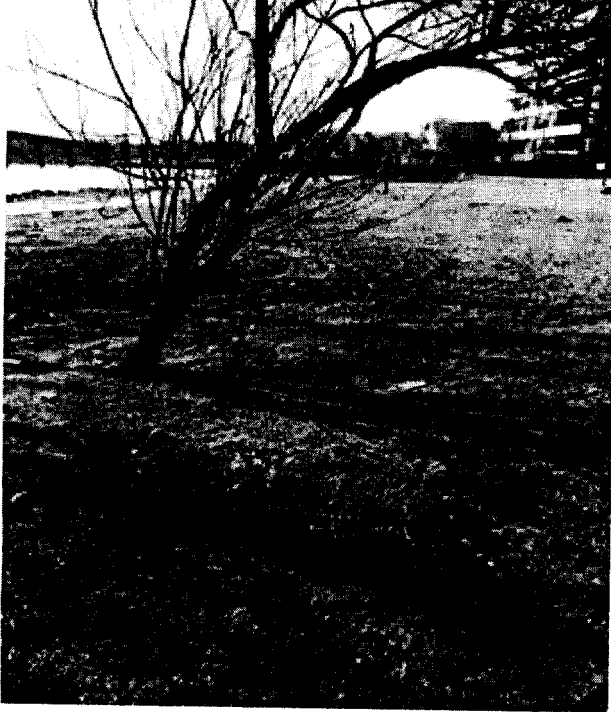
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Justine Modigliani

7-4268



## Bellow, Bonnie

---

**From:** Bellow, Bonnie  
**Sent:** Friday, April 12, 2013 4:41 PM  
**To:** Vizian, Donna; Manna, Richard  
**Subject:** FW: Le Havre Co-Op

See below for some additional developments. I am sending a note to Dore asking her not to take any action until she speaks with you. I have also told Mary and David that there is no need for further PAD involvement.

---

**From:** Mears, Mary  
**Sent:** Friday, April 12, 2013 4:25 PM  
**To:** Bellow, Bonnie  
**Subject:** FW: Le Havre Co-Op

Mary Mears  
Deputy Director Public Affairs and Chief Public Outreach Branch  
U.S. EPA  
Region 2 (NJ, NY.PR and the US VI)

(212) 637-3673 (Direct Office)  
(212) 637-3660 (General Office)  
(646) 369-0077 (Office Cell)

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**Subject:**

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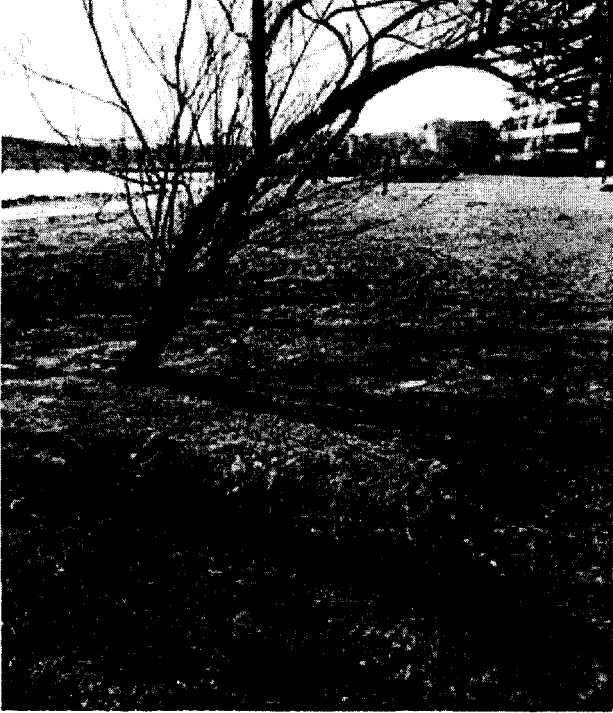
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Justine Modigliani

7-4268



## **Bellow, Bonnie**

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**From:** Bellow, Bonnie  
**Sent:** Friday, April 12, 2013 4:47 PM  
**To:** LaPosta, Dore  
**Subject:** FW: Le Havre Co-Op

We have heard from Congressman Israel on a situation related to this matter involving Phil Greco, who is a resident of this Co-Op. OPM was informed and it has been referred to the OIG. I can explain further on Monday. Might be best to hold on discussing this until we can talk. You can always call me today at home (212-222-7774) or over the weekend on my cell.

---

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**Sent:** Friday, April 12, 2013 2:59 PM  
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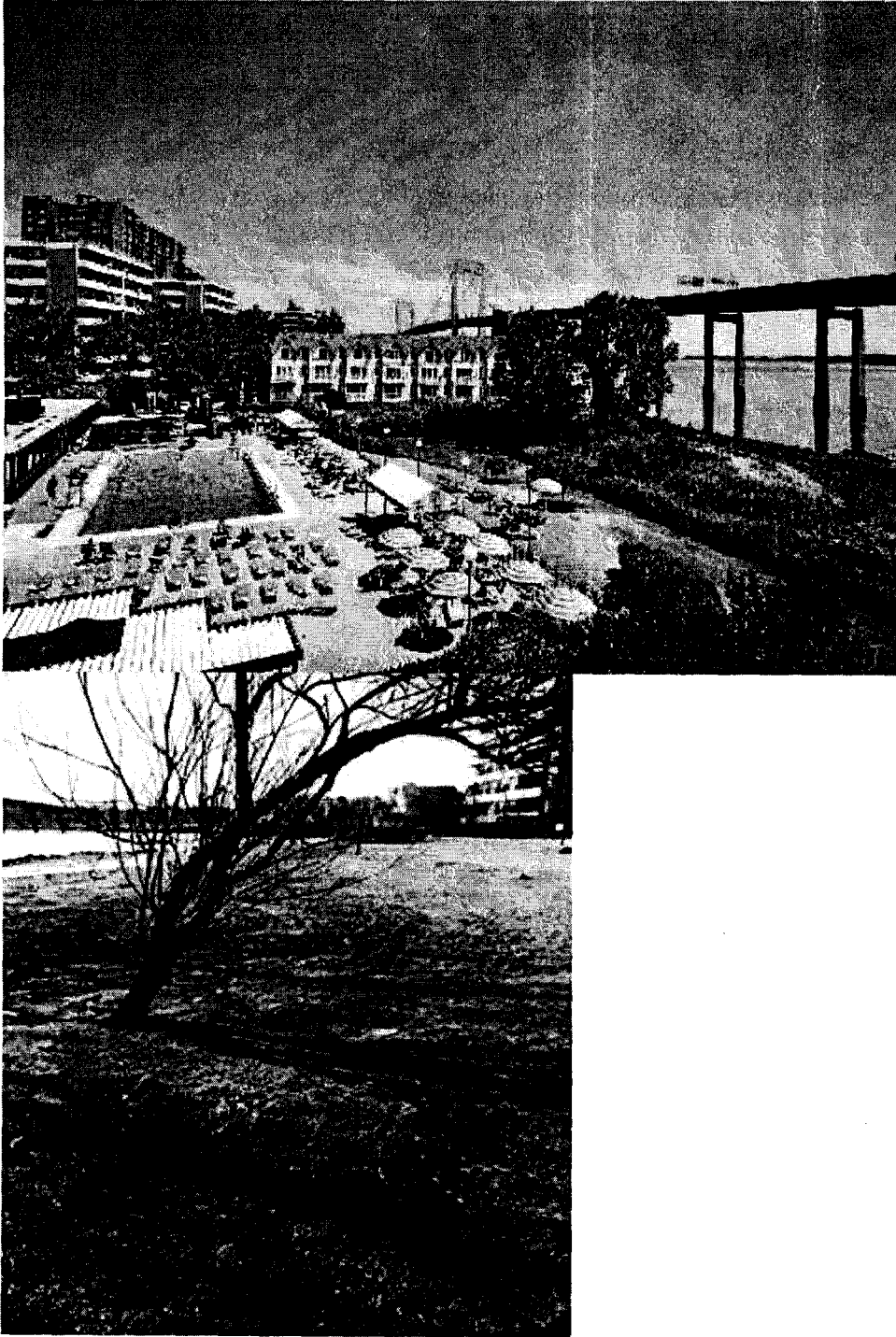
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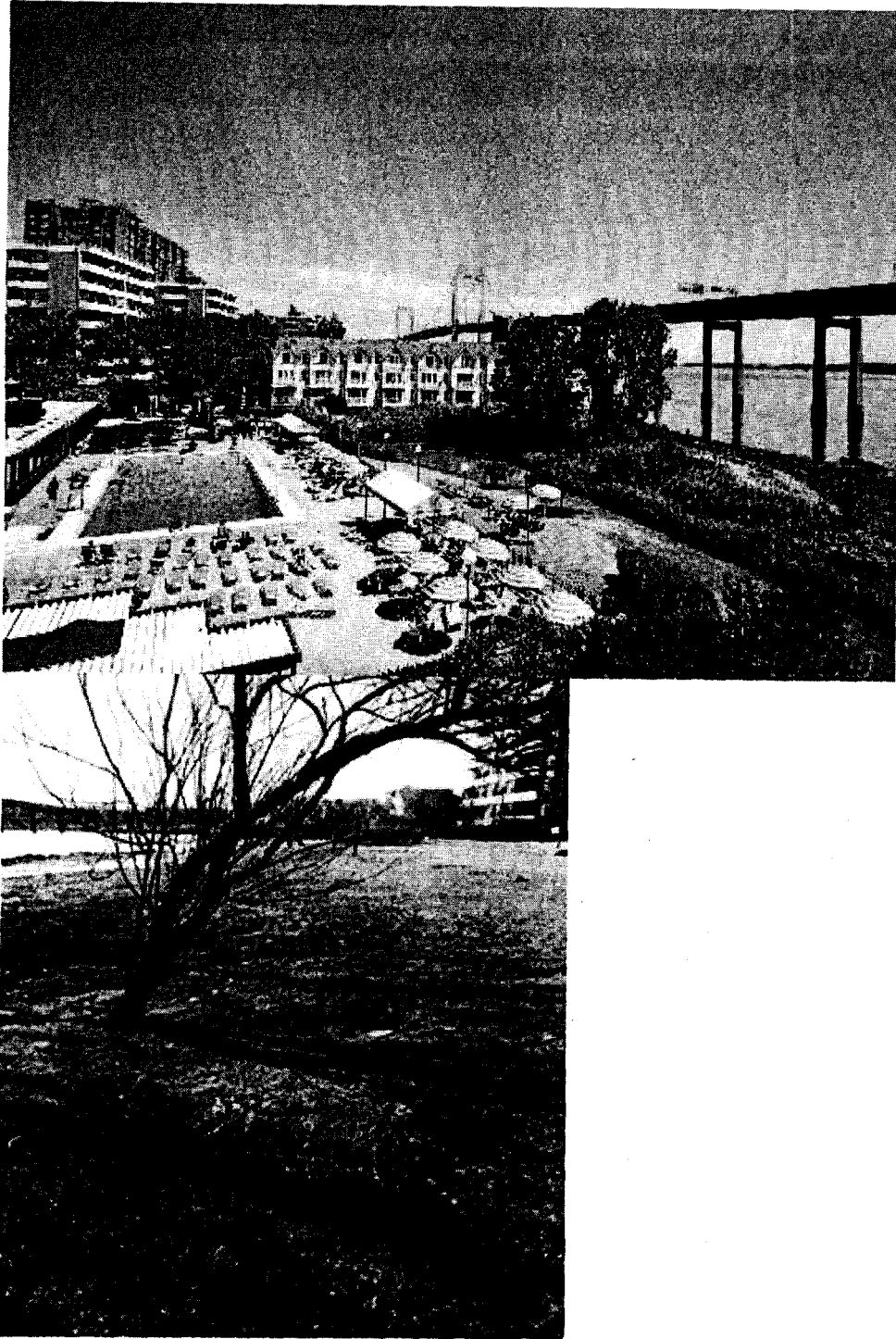
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Justine Modigliani

7-4268



## Shore, Berry

---

**From:** Russell, Tricia [Tricia.Russell@mail.house.gov]  
**Sent:** Thursday, April 11, 2013 3:37 PM  
**To:** Shore, Berry  
**Cc:** Stinson, Michael  
**Subject:** RE:

Hi Berry -

Thanks! We've gotten a few angry calls and if there's anything we can share just so they know the EPA is on top of it would be very helpful.

Best,  
Tricia

Tricia Russell  
Congressman Steve Israel (NY-03)  
Phone: (202) 225-3335

---

**From:** Shore, Berry [mailto:Shore.Berry@epa.gov]  
**Sent:** Friday, April 05, 2013 12:58 PM  
**To:** Russell, Tricia  
**Cc:** Stinson, Michael  
**Subject:** RE:

Tricia:

I was told we are already aware of this and are actively looking into the matter and at this point we can't see any more than this.

I will be in the office next week.

---

**From:** Russell, Tricia [mailto:Tricia.Russell@mail.house.gov]  
**Sent:** Thursday, April 04, 2013 6:24 PM  
**To:** Shore, Berry  
**Cc:** Stinson, Michael  
**Subject:**

Hi Berry - Sorry to bug you twice in one week, but a local Assemblyman's office flagged the issue detailed in the email below and in the attached letter for our office. I understand the matter is being investigated by the EPA. Is that the case? The Congressman asked us to reach out and touch base on the matter.

I will be out tomorrow and Monday but would be happy to call next week if that's preferable.

Thanks,  
Trish

Tricia Russell  
Deputy Chief of Staff  
Congressman Steve Israel (NY-03)  
2457 Rayburn HOB | Washington, DC 20515  
202.225.3335 phone

-----Original Message-----

From: Geoffrey Mazel [<mailto:gmazel@hankinmazel.com>]

Sent: Tuesday, April 02, 2013 11:15 AM

To: [jhschnei@gw.dec.state.ny.us](mailto:jhschnei@gw.dec.state.ny.us)

Cc: David Fischer; Margaret Costello; Stanley Greenberg CPA; Steven Young

Subject: Lehavre-Complaint Against EPA Employee Phil Greco

As per our discussion, attached please find the letter of complaint to the DEC; a copy of the complaint to the EPA; Notice of Intent from the Army Corp. of Engineers; and a list of agents from the DEC who have come to the Lehavre property regarding this issue. Be advised, Mr. Greco was overheard on the cell phone talking to a DEC agents pushing him to stop the Army Corp. cleanup. The EPA is already investigating this matter. Assembly Edward Braunstein and Congressman Israel's office will also be looking into this abuse of power and waste of government assets by a public official. We look forward to your investigation on this matter.

Geoffrey Mazel, Esq.  
Hankin & Mazel, PLLC  
LONG ISLAND OFFICE  
60 Cutter Mill Road, suite 505  
Great Neck, NY, 11021  
516-499-5800  
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## **HANKIN & MAZEL, PLLC**

A PROFESSIONAL LIMITED LIABILITY COMPANY

---

7 Penn Plaza, Suite #1602  
(370 Seventh Avenue)  
New York, NY 10001  
Telephone 212-349-1668  
Facsimile 212-227-7317  
Email: gmazel@hankinmazel.com

**\*Long Island Office**  
60 Cutter Mill Road, Suite 505  
Great Neck, NY 11021

\*please respond to LI Office

March 26, 2013

NYS DEC Police  
625 Broadway, 3<sup>rd</sup> Floor  
Albany, NY 12233-2500  
Attention: Major Joseph Schneider

**Re: Actions of EPA Employee Philip Greco**

Dear Major Schneider,

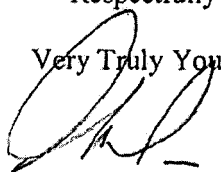
We are the attorneys for Le Havre Owners Corp. The Board of Directors of Le Havre Owners Corp. would like to inform you of a disturbing event recently involving Philip Greco. Mr. Philip Greco is a shareholder at Le Havre Owners Corp., a former Board member and is employed by the US Environmental Protection Agency.

As you are aware, thanks to your assistance, the US Army Corp of Engineers was at our property to clean up dangerous and toxic debris from Hurricane Sandy. Mr. Greco was desperate to stop the cleanup out of concern for the stray cats in the area. As a result, Mr. Greco abused his position with the EPA and contacted the DEC who sent down an officer, as a favor, on several occasions to try to stop the Corp. of Engineers from cleaning up the site on our property. Mr. Greco was overheard speaking to the DEC officer, on the officer's cell phone insisting that the cleanup be halted, even though there was no legal basis to do so.

The acts of Mr. Greco need to be properly investigated. His attempt to have DEC officers stop the work was an abuse of power by an EPA Employee, done in bad faith and outside his duties. His waste of the time and efforts of New York State taxpayer money is a travesty. We appreciate any help in this matter you can provide.

Respectfully Submitted,

Very Truly Yours,



Geoffrey Mazel

Cc: Board of Directors

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**\*Long Island Office**  
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\*please respond to LI Office

March 26, 2013

Environmental Protection Agency  
290 Broadway, 26<sup>th</sup> Floor  
NY, NY 10025  
Attn: Donna Vizian, Asst. Regional Administrator,

**Re: Actions of EPA Employee Philip Greco**

Dear Ms. Vizian,

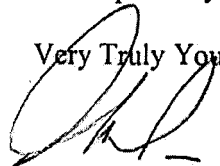
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Joseph Chalk 2/21/13 ☒ By checking this box, I certify that I am the responsible Applicant for this NOI.



New York State  
Department of Environmental Conservation



**DOREEN LUM**  
Environmental Conservation Police Officer  
Region 2 Headquarters

1 Hunters Point Plaza

4740 21st Street  
Long Island City, NY 11101-5407  
www.dec.ny.gov

Tel: (718) 482-4885  
Cell: (718) 956-6480  
Dispatch: 1-877-457-5680

E-mail: dxlum@gw.dec.state.ny.us



New York State  
Department of Environmental Conservation



**RODNEY RIVERA**  
Special Assistant  
Region 2

Hunters Point Plaza

47-40 21st Street  
Long Island City, New York 11101-5401  
www.dec.ny.gov

Tel: (718) 482-4958  
Fax: (718) 482-4026  
rxrivera@gw.dec.state.ny.us



New York State  
Department of Environmental Conservation



**Sebastian Zacharias, P.E.**  
Environmental Engineer I  
Division of Water  
Region 2

Hunters Point Plaza, 47-40 21st Street  
Long Island City, NY 11101-5401  
www.dec.ny.gov

Tel.: (718) 482-4936  
Fax: (718) 482-6516  
sxzachar@gw.dec.state.ny.us

Robert E. Burn  
Reg. Water  
Engineer  
718 482 4930

## **Geoffrey Mazel**

---

**From:** Geoffrey Mazel  
**Sent:** Tuesday, April 02, 2013 10:38 AM  
**To:** David Fischer  
**Cc:** Margaret Costello; Stanley Greenberg CPA; Steven Young  
**Subject:** Lehavre DEC Timeline  
**Attachments:** 20130401164832202.pdf

Attached please find a list and timeline of the DEC agents who came to the Lehavre property at the behest of Phil Greco.

### **Geoffrey Mazel, Esq.**

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### **LONG ISLAND OFFICE**

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---

**From:** Margaret Costello [<mailto:mcostello@lhocorp.com>]  
**Sent:** Monday, April 01, 2013 4:59 PM  
**To:** Geoffrey Mazel  
**Subject:** DEC etc

Geoff:

As per our discussion earlier re the DEC see attached info on some of the inspectors that came here:

- Doreen Lum (DEC) came here prior to clean up flashing her weapon and left a message for me not to touch the wetlands. (I was at lunch).
- Rodney Riviera (DEC) visited the property with Senator Tony Avella to discuss the clean up and definition of wetland boundaries.
- Officer Mathis (DEC ) came twice the day of the clean up and the following day with another officer (think his name was Maynard but not sure)
- Sebastian Zacharias (DEC) came on March 29<sup>th</sup> in response to a lengthy email from the EPA re excavation work, disturbance of soil, removal of vegetation etc. (The email was sent to Zacharias' supervisor Robert Elburn (info attached)).

Regards,

Margaret Costello, Manager  
Le Havre Owners Corp.  
168-68 9th Avenue  
Whitestone, NY 11357  
Tel. (718) 767-7400  
Fax. (718) 746-6548  
[mcostello@lhocorp.com](mailto:mcostello@lhocorp.com)

*This transmission may contain information that is privileged, confidential, legally privileged, and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or use of the information contained herein (including any reliance thereon) is STRICTLY PROHIBITED.*

## Shore, Berry

---

**From:** Shore, Berry  
**Sent:** Friday, April 05, 2013 11:27 AM  
**To:** Vizian, Donna  
**Subject:** FW:  
**Attachments:** doc02894920130402111137.pdf

Could you please review the attached communication I received from Congressman Israel's office. I believe it should may be considered a confidential/personnel matter regarding a Reg. 2 employee. I have not forwarded or discussed this with anyone else.

Please advise me on how we should treat Congressman's request.

---

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**From:** Geoffrey Mazel [<mailto:gmazel@hankinmazel.com>]  
**Sent:** Tuesday, April 02, 2013 11:15 AM  
**To:** [jhschnei@gw.dec.state.ny.us](mailto:jhschnei@gw.dec.state.ny.us)  
**Cc:** David Fischer; Margaret Costello; Stanley Greenberg CPA; Steven Young  
**Subject:** Lehavre-Complaint Against EPA Employee Phil Greco

As per our discussion, attached please find the letter of complaint to the DEC; a copy of the complaint to the EPA; Notice of Intent from the Army Corp. of Engineers; and a list of agents from the DEC who have come to the Lehavre property regarding this issue. Be advised, Mr. Greco was overheard on the cell phone talking to a DEC agents pushing him to stop the Army Corp.

cleanup. The EPA is already investigating this matter. Assembly Edward Braunstein and Congressman Israel's office will also be looking into this abuse of power and waste of government assets by a public official. We look forward to your investigation on this matter.

Geoffrey Mazel, Esq.  
Hankin & Mazel, PLLC  
LONG ISLAND OFFICE  
60 Cutter Mill Road, suite 505  
Great Neck, NY, 11021  
516-499-5800  
Fax- 516-482-1143



## **HANKIN & MAZEL, PLLC**

**A PROFESSIONAL LIMITED LIABILITY COMPANY**

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7 Penn Plaza, Suite #1602  
(370 Seventh Avenue)  
New York, NY 10001  
Telephone 212-349-1668  
Facsimile 212-227-7317  
Email: gmazel@hankinmazel.com

**\*Long Island Office**  
60 Cutter Mill Road, Suite 505  
Great Neck, NY 11021

**\*please respond to LI Office**

March 26, 2013

NYS DEC Police  
625 Broadway, 3<sup>rd</sup> Floor  
Albany, NY 12233-2500  
Attention: Major Joseph Schneider

**Re: Actions of EPA Employee Philip Greco**

Dear Major Schneider,

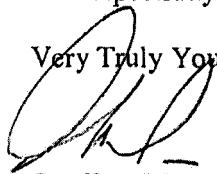
We are the attorneys for Le Havre Owners Corp. The Board of Directors of Le Havre Owners Corp. would like to inform you of a disturbing event recently involving Philip Greco. Mr. Philip Greco is a shareholder at Le Havre Owners Corp., a former Board member and is employed by the US Environmental Protection Agency.

As you are aware, thanks to your assistance, the US Army Corp of Engineers was at our property to clean up dangerous and toxic debris from Hurricane Sandy. Mr. Greco was desperate to stop the cleanup out of concern for the stray cats in the area. As a result, Mr. Greco abused his position with the EPA and contacted the DEC who sent down an officer, as a favor, on several occasions to try to stop the Corp. of Engineers from cleaning up the site on our property. Mr. Greco was overheard speaking to the DEC officer, on the officer's cell phone insisting that the cleanup be halted, even though there was no legal basis to do so.

The acts of Mr. Greco need to be properly investigated. His attempt to have DEC officers stop the work was an abuse of power by an EPA Employee, done in bad faith and outside his duties. His waste of the time and efforts of New York State taxpayer money is a travesty. We appreciate any help in this matter you can provide.

Respectfully Submitted,

Very Truly Yours,



Geoffrey Mazel

Cc: Board of Directors

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60 Cutter Mill Road, Suite 505  
Great Neck, NY 11021

\*please respond to LI Office

March 26, 2013

Environmental Protection Agency  
290 Broadway, 26<sup>th</sup> Floor  
NY, NY 10025  
Attn: Donna Vizian, Asst. Regional Administrator,

**Re: Actions of EPA Employee Philip Greco**

Dear Ms. Vizian,

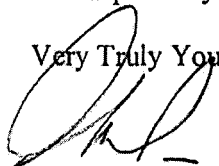
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Respectfully Submitted,


Very Truly Yours,



Geoffrey Mazel

Cc: Board of Directors

NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Notice of Intent for General Permit GP-2-12-002 - Hurricane Sandy NYC General Permit  
(Includes docks, catwalks, floats)  
Pursuant to Environmental Conservation Law Article 70

<u>DEC use only</u> DEC Permit No.		<u>DEC use only</u> Effective Date: December 18, 2012 Expiration Date: October 31, 2013
<b>Name of Applicant/Owner:</b> US Army Corps of Engineers <b>Mailing Address:</b> 26 Federal Plaza, NY RFO <b>City:</b> New York <b>State:</b> NY <b>Zip:</b> 10278 <b>Phone:</b> 718-888-3177 <b>Email:</b>		
<b>Permit Contact (if different from Applicant/Owner):</b> James Robb <b>Mailing Address:</b> 26 Federal Plaza, NY RFO <b>City:</b> New York <b>State:</b> N <b>Zip:</b> 10278 <b>Phone:</b> 916-397-9421 <b>Email:</b> James.T.Robb@usace.army.mil		
<b>Project Location:</b> Queens <b>Town of:</b> NA <b>Zip:</b> NA <b>County of:</b> Queens County		

**Authorization Type:**

- Freshwater Wetlands Article 24, 6 NYCRR 663
- Excavation & Fill in Navigable Waters Article 15, 6 NYCRR 608
- Water Quality Certification Section 401 Clean Water Act, 6 NYCRR 608
- Tidal Wetlands Article 25, 6 NYCRR 661
- Docks and Moorings Article 15, 6 NYCRR 608
- Coastal Erosion Management Article 34, 6 NYCRR 505

**Project Description:**

Removal of FEMA eligible storm debris from areas within 100' of wetlands and waterways within private properties  
Queens County.

**Type of Project:**

- ☐ Stabilization of existing functional storm-damaged dwellings, decks and walkways with temporary bracing and pilings.
- ☐ Construction of a single 4' wide access walkway to access damaged dwellings.
- ☐ Installation of up to four rows of sandbags or 1 cubic yard sand cubes at the toe of storm damaged structures or eroded escarpments.
- ☐ Placement of sand and/or material equivalent to existing material at the toe of eroded escarpments.
- ☐ Repair or reconstruction of stairways that were functional before Hurricane Sandy.
- ☐ Re-grade eroded dunes.
- ☐ In-kind/in-place repair or reconstruction of bulkheads and shoreline erosion structures that were functional before Hurricane Sandy.
- ☐ Repair or reconstruction of existing public roads, bridges, utilities and other public infrastructure.
- ☐ Repair or reconstruction of existing fences, or new temporary fences in wetland adjacent areas.
- ☒ Removal of debris from waterways and wetlands.
- ☐ In-kind/in-place repair or reconstruction of docks, catwalks and floats that were functional before Sandy.

**Certification:**

I have read this permit and will construct this project in compliance with the terms and conditions of this permit and the Environmental Conservation Law and applicable regulations. I understand that any false or inaccurate statements made in the application for this permit are punishable as a Class A misdemeanor. As a condition of this permit, I accept full legal responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agree to indemnify and save harmless the state from suits, actions, damages, and costs of every name and description resulting from this project.

  
Applicant Signature / Name

2/21/13  
Date

☒ By checking this box, I certify that I am the responsible Applicant for this NOI.

  
2/21/13



New York State  
Department of Environmental Conservation



**DOREEN LUM**  
Environmental Conservation Police Officer  
Region 2 Headquarters

1 Hunters Point Plaza  
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New York State  
Department of Environmental Conservation



**RODNEY RIVERA**  
Special Assistant  
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New York State  
Department of Environmental Conservation



**Sebastian Zacharias, P.E.**  
Environmental Engineer 1  
Division of Water  
Region 2

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Robert E. Burn  
Reg. Water  
Engineer  
718 482 4930